

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JOSHUA BROOKS PAGE

PLAINTIFF

VS.

CAUSE NO. 1:14CV221-SA-DAS

**DANNY EARL STARKS, INDIVIDUALLY,
MONROE COUNTY, MISSISSIPPI and
MONROE COUNTY SHERIFF'S DEPARTMENT**

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff Joshua Brooks Page, by and through counsel, and file this Complaint against Defendants Monroe County, Mississippi, Monroe County Sheriff's Department and Danny Earl Starks, individually. Plaintiff would respectfully show unto the Court as follows:

I. THE PARTIES

1. Plaintiff, Joshua Brooks Page, is an adult resident citizen of 51665 Highway 8 East, Aberdeen, Mississippi 39730.
2. Defendant Monroe County Sheriff's Department is a political subdivision of the State of Mississippi. It may be served with process by service upon Sheriff Cecil Cantrell at the Monroe County Sheriff's Department, 700 North Meridian Street, Aberdeen, Mississippi.
3. Defendant, Monroe County, Mississippi ("Monroe County"), is a political subdivision of the State of Mississippi. It may be served with process upon its Chancery Clerk, Ronnie Boozer, 201 West Commerce Street, Aberdeen, Mississippi 39730.

4. Defendant, Danny Earl Starks (“Starks”), is an adult resident citizen of Monroe County, Mississippi. Upon information and belief, Starks may be served with process at his residential address of 401 5th Street North, Amory, Mississippi 38821.

II. JURISDICTION

5. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. § 1343, and for violation of Plaintiff’s Fourth Amendment right to be free from excessive force and unreasonable seizure of the person. This action is authorized by 42 U.S.C. § 1983.

III. FACTS

6. Defendant Danny Earl Starks was at all relevant times a Deputy Sheriff of the Monroe County, Mississippi Sheriff’s Department and acted under color of State law.

7. On or about October 17, 2012, in Monroe County, Mississippi, Defendant Starks, accompanied by numerous other Monroe County deputy sheriffs, whose true identities are unknown, came to Plaintiff’s home in response to a claim of disturbing the peace or domestic violence made by Plaintiff’s wife.

8. At the time the deputies arrived, Plaintiff was sitting down, having gained his composure after an argument between himself and his wife.

9. Despite the fact that Plaintiff posed no threat to anyone, Defendant Starks brutally beat Plaintiff in the face and teeth, at a time when Plaintiff’s legs were being held by an unknown deputy sheriff and at a time when several other deputies stood idly by without taking any action to prevent the beating. Starks’ beating of Plaintiff was grossly unreasonable under the circumstances.

10. The beating loosened six (6) of Plaintiff's teeth, broke two (2) teeth, broke bones in Plaintiff's face, crushed in Plaintiff's nasal cavity, caused Plaintiff's right eye socket to be swollen and displaced, and caused continuous damage to his right eye socket. Plaintiff sustained extensive physical injuries and required emergency medical treatment.

11. Thereafter, the Federal Bureau of Investigation ("FBI") investigated and Starks was prosecuted for the assault. Defendant Starks later pled guilty to assaulting Plaintiff under color of State law pursuant to 18 U.S.C. § 242 in *United States v. Starks*, United States District Court N.D. Miss. No. 1:14MJ00001-001.

12. Because Defendant Starks has pled guilty to the assault in question, he is collaterally estopped to deny that he used unreasonable force against Plaintiff.

13. Plaintiff sustained severe physical injuries as well as mental anxiety and emotional distress as a result of the excessive force in violation of his constitutional rights.

IV. COUNT I – EXCESSIVE FORCE

14. Plaintiff re-alleges and incorporates by references the allegations contained in paragraphs numbered 1 through 13.

15. Defendant Starks is liable to Plaintiff for violation of the Fourth Amendment right to be free from unreasonable seizure of the person and use of excessive force. Starks' use of grossly excessive force caused Plaintiff's injuries in violation of the Fourth Amendment to the United States Constitution.

16. Defendant Starks is individually and personally liable to Plaintiff for actual and punitive damages.

17. Plaintiff has suffered medical expenses, mental anxiety and stress, pain and suffering, and needs further medical treatment.

**V. COUNT II – MONELL CLAIM AGAINST MONROE
COUNTY SHERIFF'S DEPARTMENT**

18. Plaintiffs re-allege and incorporate by references the allegations contained in paragraphs numbered 1-13.

19. Defendant Monroe County Sheriff's Department has failed to train and supervise its deputies to prevent such use of excessive force against citizens

20. Monroe County Sheriff's Department's policies of inadequate supervision and training were the moving force behind the violations of Plaintiff's constitutional rights.

21. Plaintiff's injuries and the deprivation of his constitutional rights were reasonably foreseeable consequences of Monroe County Sheriff Department's deliberate and conscious choice not to provide officers with adequate training and supervision.

22. Defendant Monroe County Sheriff's Department is further liable for the violation of Plaintiff's constitutional rights because the constitutional violation resulted from a custom or tacit policy of the Sheriff's Department.

23. The custom or tacit policy allowing such beatings and acts of excessive force is evidenced by the fact that several Sheriff's Deputies assisted in Stark's beating of Plaintiff and others stood idly by, observing the beating without intervening to stop the obviously lawless act.

24. Upon information and belief, such excessive force is widespread within the Monroe County Sheriff's Department and a pattern of similar constitutional violation exists. Such violations have existed for so long that knowledge and acceptance by the Sheriff's Department may be properly inferred.

25. Plaintiffs are entitled to compensatory damages from Defendant Monroe County Sheriff's Department.

VI. COUNT III – LIABILITY OF MONROE COUNTY, MISSISSIPPI

26. Plaintiffs re-allege and incorporate by references the allegations contained in paragraphs numbered 1-13.

27. Defendant Monroe County, Mississippi is liable to Plaintiff because the Mississippi Tort Claims Act renders a political subdivision liable for the acts of its employees. This provision of the Mississippi Tort Claims Act is incorporated into 42 U.S.C. § 1983 by 42 U.S.C. § 1988.

28. Defendant Monroe County, Mississippi is liable to Plaintiff for the damages caused by Starks' unconstitutional actions.

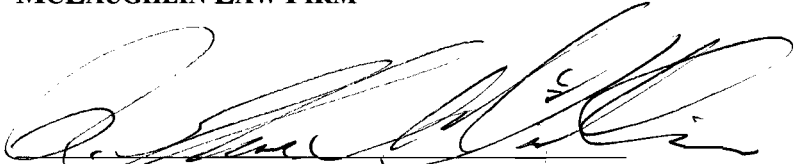
VII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests actual and punitive damages against Defendant Starks, and against any other individual defendant whom discovery may reveal participated in holding Plaintiff's legs or otherwise causing the assault. Defendant Monroe County, Mississippi is liable because the Mississippi Tort Claims Act's provision making a local government liable for the acts of its employees is incorporated into 42 U.S.C. § 1983 by 42 U.S.C. § 1988. Plaintiff requests compensatory damages against the Monroe County Sheriff's Department and Monroe County, Mississippi. Plaintiff further requests an award of reasonable attorneys' fees and costs against all Defendants. Plaintiff demands trial by jury. Plaintiff further requests such other and more general relief to which he is entitled.

RESPECTFULLY SUBMITTED, this the 5th day of December, 2014.

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